

## KENTUCKY DEPARTMENT OF MENTAL HEALTH/MENTAL RETARDATION SERVICES HIPAA TEAM

### CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF THE ADMINISTRATIVE SIMPLIFICATION PORTION OF HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

(NOTE: PENALTIES ARE IDENTIFIED IN HIPAA STATUTE ONLY)

Congress, in order to assure accountability of those who had access to personal health information (PHI) required the imposition of civil monetary penalties for any entity or person that uses PHI improperly. The improper uses and associated penalties are described below:

#### ***CIVIL PENALTIES***

<b>Monetary Penalty</b>	<b>Term of Imprisonment</b>	<b>Offense</b>
\$100	N/A	Single violation of a provision (can be multiple violations with penalty of \$100 each as long as each violation is for a different provision)
\$25,000	N/A	Multiple violations of an identical requirement or prohibition made during a calendar year

#### ***CRIMINAL PENALTIES***

<b>Monetary Penalty</b>	<b>Term of Imprisonment</b>	<b>Offense</b>
Up to \$50,000	Up to one year	Wrongful disclosure of individually identifiable health information
Up to \$100,000	Up to five years	Wrongful disclosure of individually identifiable health information committed under false pretenses
Up to \$250,000	Up to 10 years	Wrongful disclosure of individually identifiable health information committed under false pretenses with intent to sell, transfer, or use for commercial advantage, personal gain, or malicious harm

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